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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,677	09/10/1999	TETSURO MOTOYAMA	5244-0099-2X	3114..

22850 7590 09/30/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 09/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/393,677	Applicant(s) MOTOYAMA ET AL.	
	Examiner Nhon (Gary) D Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 1999.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 3 and 4, “target application” cannot be “an image forming device” or “an appliance”, respectively. Application is software while device and appliance are hardware.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Allard et al. (“Allard”, US 6,018,619).

As per independent claim 1, Allard teaches a system comprising:

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an interface of a target application, the interface comprising a plurality of operations to be selected by a user (col. 8, line 46-48 and col. 11, lines 6-10);

a monitoring unit configured to monitor data of selecting of the plurality of operations of the interface by the user, and to generate a log of the monitored data, the log of the monitored data being in a form of an abstract class (col. 11, lines 6-10, col. 9, lines 7-9, and col. 9, lines 58-59);

a communicating unit configured to receive an object derived from the abstract class including the log of the monitored data, and to communicate the log of the monitored data (col. 9, lines 7-9, and col. 9, lines 60-64).

As per claim 2, which is dependent on claim 1, Allard teaches the target application is a software application and the interface is a display screen of the software application (col. 8, line 46-48 and col. 11, lines 6-10).

As per claim 3, which is dependent on claim 1, Allard teaches the target application is an image forming device and the interface is an operation panel of the image forming device (col. 8, line 46-48 and col. 11, lines 6-10).

As per claim 4, which is dependent on claim 1, Allard teaches the target application is an appliance and the interface is an operation panel of the appliance (col. 8, line 46-48 and col. 11, lines 6-10).

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As per claim 5, which is dependent on claim 1, Allard teaches the communicating unit sends the log of the monitored data when the user exits the target application (col. 9, lines 60-64).

As per claim 6, which is dependent on claim 1, Allard teaches a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating unit communicating the log of the monitor data (col. 14, lines 15-23).

As per claim 7, which is dependent on claim 6, Allard teaches the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions (col. 14, lines 15-23).

As per claim 8, which is dependent on claim 1, it is inherent in Allard's system that the communicating unit communicated the log of the monitored data by Internet mail.

As per independent claims 9, 17, and 25, they are similar in scope to claim 1; therefore, they should be rejected under similar scope.

As per claims 10, 18, and 26, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 2; therefore, they should be rejected under similar scope.

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As per claims 11, 19, and 27, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar scope.

As per claims 12, 20, and 28, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 4; therefore, they should be rejected under similar scope.

As per claims 13, 21, and 29, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar scope.

As per claims 14, 22, and 30, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar scope.

As per claims 15, 23, and 31, which are dependent on claims 14, 22, and 30 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar scope.

As per claims 16, 24, and 32, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 8; therefore, they should be rejected under similar scope.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 6446076 B1 to Burkey, Chad et al. discloses voice interactive web-based agent system responsive to a user location for prioritizing and formatting information.

US 6446119 B1 to Olah, Laslo et al. discloses system and method for monitoring computer usage.

US 6400381 B1 to Barrett, Robert Carl et al. discloses Web places.

US 6052730 A to Felciano, Ramon M. et al. discloses method for monitoring and/or modifying web browsing sessions.

US 5897498 A to Canfield, II, Earl M. et al. discloses ultrasonic diagnostic imaging system with electronic message communications capability.

### *Inquiries*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen



STEVEN SAX  
PRIMARY EXAMINER

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September 17, 2003